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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PATEL, GAUTAM	
			ART UNIT	PAPER NUMBER
			2627	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/505,177	Applicant(s) SAKO ET AL.	
	Examiner Gautam R. Patel	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/25/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-32 are pending for the examination.

#### Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

### REMARKS/ACRONYM

3. "The meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import; ..." (see 37 CFR § 1.75, MPEP § 608.01(i).

Claim 24, line 2 has an acronym "PMI" that has not been defined in the claim first time it appears.

### Objection to Specification

4. The disclosure is objected for following reasons.  
Specification needs to be updated with respect to information on the related applications. Cross-References to Related Applications: See 37 C.F.R. § 1.78 and section 201.11 of the M.P.E.P.

This application does not contain an Abstract of the Disclosure as required by 37 C.F.R. § 1.72(b). An Abstract on a separate sheet is required.

Applicant is reminded of the *proper language* and *format* of an Abstract of the Disclosure.

The abstract should be in narrative form and generally limited to **a single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said", should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," *etc.*

In the present Application, in the abstract the invention itself is not described. Abstract is in two paragraphs.

Corrections are required.

### **Claim Objections**

5. Claims 1-6 and 24 are objected for following reasons.

Claim 1 lines 8-10 are confusing ““read first identification” information into the main storing region”.

Corrections are required.

### **Claim Rejections - 35 U.S.C. § 112**

6. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, lines 8-10 are confusing and unclear. What is meant by “read first identification” is not clear.

### **Claim Rejections - 35 U.S.C. § 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11, 13-23 and 25-32 are rejected under 35 U.S.C. § 102(b) as being anticipated by Osawa et al., US. patent 5,930,367 (hereafter Osawa).

As to claim 1, Osawa discloses the invention as claimed [see Figs. 2-4], including auxiliary recording region, main storage region and identification information comprising the steps of:

reading first identification information from an auxiliary recording region of a recording medium including the auxiliary storing region in which writing of content data is prohibited and a main storing region in which the content data can be written; and

Art Unit: 2627

recording second identification information corresponding to the read first identification information into the main storing area [ROM 132] [fig. 3-4 and col. 6, line 48 to col. 7, line 32].

8. The aforementioned claim 2, recites the following steps, inter alia, disclosed in Osawa: the first identification information is recorded as sub-code information [col. 5, lines 18-47].

9. The aforementioned claim 3, recites the following steps, inter alia, disclosed in Osawa: second identification information is equal to the first identification information [col. 8, lines 50-67].

10. The aforementioned claim 4, recites the following steps, inter alia, disclosed in Osawa: the recording medium is a disc-shaped recording medium including a lead-in region that is arranged in a position read before the main recording region, and wherein the auxiliary region is arranged inside the lead-in region [col. 7, lines 8-32]. NOTE: TOC is part of the lead-in.

11. The aforementioned claim 5, recites the following steps, inter alia, disclosed in Osawa: the second identification information is recorded when the content data is recorded in the main recording region [col. 5, lines 18-47].

12. The aforementioned claim 6, recites the following steps, inter alia, disclosed in Osawa: the recording medium includes a management information region that is arranged in a position read before the main recording region and that records management information for managing the content data recorded in the main recording region, and wherein when recording of the content data into the main recording region terminates, the first identification information is recorded in the management region [col. 5, lines 5-47].

13. As to claim 7, it is rejected for the similar reasons set forth in the rejection of claim 1, above.

14. The aforementioned claim 8, recites the following steps, inter alia, disclosed in Osawa:

the first identification information is random data [fig. 2, unit 14 and col. 5, line 53 to col. 6, line 37].

15. The aforementioned claim 9, recites the following steps, inter alia, disclosed in Osawa:  
after recording the first identification information into the auxiliary recording region, the content data is recorded in the main recording region [col. 5, line 53 to col. 6, line 37]. NOTE: The Applicants are merely claiming in which order normal recording takes place.

16. As to claim 11, it is rejected for the similar reasons set forth in the rejection of claim 1, above.

17. As to claim 13, it is rejected for the similar reasons set forth in the rejection of claim 1, above. As to the added limitation of encrypting data Osawa discloses encryption [col. 6, line 64 to col. 7, line 32].

18. As to claim 14, it is rejected for the similar reasons set forth in the rejection of claim 1, above. NOTE: Osawa shows capability of recording and playback.

19. The aforementioned claim 15, recites the following steps, inter alia, disclosed in Osawa:  
the recording control means alternately performs a recording operation of the content data into the main recording region and a recording operation of the second identification information into the main recording region [col. 6, line 47 to col. 7, line 57].

20. The aforementioned claim 16, recites the following steps, inter alia, disclosed in Osawa:  
identification information generation means [fig. 2, unit 25] for generating first identification information;

recording means [fig. 2, unit 20] for recording information into a recording medium including an auxiliary recording region [part of lead-in] in which recording of content data is prohibited and a main recording region in which the content data can be recorded; and

recording control means [fig. 4, unit 134] for controlling the recording means to record the first identification information into the auxiliary recording region and to record second

identification information corresponding to the first identification information into the recording region [col. 6, lines 20-37; col. 9, lines 1-56].

21. As to apparatus claim 17, it is drawn to the method of claim 8 and is therefore rejected for the similar reasons set forth in the rejection of claim 8, above;

22. The aforementioned claim 18, recites the following steps, inter alia, disclosed in Osawa: comprising encryption means [fig. 1, unit 14] for encrypting the content data in accordance with any one of the first and second identification information, wherein the recording control means controls the recording means to record the content data encrypted by the encryption means into the main recording region [col. 8, line 33 to col. 9, line 67].

23. As to claims 19-23, they are claims corresponding to claims 1-2, 2+3, and 6 respectively and they are therefore rejected for the similar reasons set forth in the rejection of claims 1-2, 2+3, and 6 respectively, above.

24. The aforementioned claim 25, recites the following steps, inter alia, disclosed in Osawa: reading first identification information from an auxiliary recording region of a recording medium including the auxiliary recording region in which writing of content data is prohibited and a main storing region in which the content data can be written and reading the second identification information from the main recording region;

comparing [fig. 4, unit 133] the first identification information with the second identification information; and

outputting the content data read from the main recording region when the first identification information corresponds to the second identification information [fig. 3-4 and col. 6, line 48 to col. 7, line 32].

25. The aforementioned claim 26, recites the following steps, inter alia, disclosed in Osawa: when the first identification information does not correspond to the second identification information from the comparison, outputting the content data read from the main recording region is prohibited [col. 9, lines 23-52; col. 11, line 41 to col. 12, line 15].

26. The aforementioned claim 27, recites the following steps, inter alia, disclosed in Osawa:  
the first identification information does not correspond to the second identification information from the comparison, the content data read from the main recording region is output with a reduced quality [col. 5, lines 18-47; col. 9, lines 23-52; col. 11, line 41 to col. 12, line 15].

27. The aforementioned claim 28, recites the following steps, inter alia, disclosed in Osawa:  
reading first identification information from an auxiliary recording region of a recording medium including the auxiliary recording region in which writing of content data is prohibited and a main recording region in which the content data can be written and reading second identification information from the main recording region;  
comparing [fig. 4, unit 133] the read first identification information with the read second identification information; and  
decoding encrypted [fig. 4, unit 116 & 119] content data recorded in the main recording region in accordance with the first identification information [col. 7, line 22 to col. 8, line 67].

28. The aforementioned claim 29, recites the following steps, inter alia, disclosed in Okada:  
playback means [fig. 4, unit 20] for playing back a recording medium including an auxiliary recording region in which writing of content data is prohibited and a main recording region in which the content data can be written; output means for outputting the content data played back from the main recording region by the playback means; and output control means for controlling the output means to output the content data played back from the main recording region when the first identification information and the second identification information played back by the playback means are compared with each other and the first identification information corresponds to the second identification information [col. 7, line 22 to col. 8, line 67].

29. As to claims 30-31, they are claims corresponding to claims 26-27 respectively and they are therefore rejected for the similar reasons set forth in the rejection of claims 26-27 respectively, above.

30. The aforementioned claim 32, recites the following steps, inter alia, disclosed in Okada:



playback means for playing back a recording medium including an auxiliary recording region that is not capable of recording content data and a main recording region that is capable of recording the content data;

decoding means [fig. 4, unit 116 & 119] for decoding encrypted content data; and

decoding control means [fig. 4, unit 134] for controlling the decoding means to decode the encrypted content data played back from the main recording region in accordance with any one of first identification information and second identification information when the first identification information played back from the auxiliary region is compared with the second identification information played back from the main recording region and the first identification information corresponds to the second identification information [col. 7, line 22 to col. 8, line 67].

### **Claim Rejections - 35 U.S.C. § 103**

31. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 12 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Osawa, as applied to claim 1, 7-9 and 19 above.

32. As to claim 10 Osawa discloses:

the recording medium includes a management information region [lead-in area] that is arranged in a position read before the main recording region [this is inherently done] and that records management information for managing the content data recorded in the main recording region, and wherein when recording of the content data into the main recording region terminates.

Osawa teaches a method for recording and comparing two IDs on a medium. Osawa does not teach specifically that the first identification information recorded in the auxiliary recording region [PMA] in the management information region after the main data recording terminates.

Art Unit: 2627

However Osawa does teach that ID can be stored in TOC of the recording medium [see col. 1, lines 49-64]. Therefore from the teaching of Osawa himself one of ordinary skill in the art would have been able to place the ID in TOC [management area]. Because reference Osawa does teach the reason and suggestion for combination as shown above, it would have been obvious to one of ordinary skill in the art to have place the ID in management area to achieve the predictable result of comparing two IDs.

33. As to claim 12, it is rejected for the similar reasons set forth in the rejection of claim 11, above.

34. The aforementioned claim 24, recites the following steps, inter alia, disclosed in Osawa: the auxiliary recording region is a PMA region [fig. 2, area 12].

#### **Other prior art cited**

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Nonaka et al. (US. Patent 5515351)
- b) Sako et al. (US. patent 7149175)
- c) Murta (US. patent 6621783)
- d) Okada (US. patent 6789177)
- e) Naito (US. patent 6199148)
- f) Ando et al. (US. patent 6215746)
- g) Barnard et al. US 7057993).

#### **Contact information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is 571-272-7625. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2600) where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dwayne Bost, who can be reached on (571) 272-7023.

Art Unit: 2627

Any inquiry of a general nature or relating to the status of this application should be directed to the Electronic Business Center whose telephone number is 866-217-9197 or the USPTO contact Center telephone number is (800) PTO-9199.



**GAUTAM R. PATEL**  
**PRIMARY PATENT EXAMINER**

Gautam R. Patel  
Primary Examiner  
Group Art Unit 2627

November 2, 2007